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Holding Co. Inc.; K-M Industries Holding Co.  
Inc. ESOP Plan Committee; and CIG ESOP Plan Committee

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

THOMAS FERNANDEZ et al.,	)	Case No. C 06-07339 CW
	)	
Plaintiffs,	)	<b>[PROPOSED] ORDER TO SEAL</b>
	)	<b>DOCUMENTS SUBMITTED BY NORTH</b>
vs.	)	<b>STAR TRUST COMPANY IN SUPPORT</b>
	)	<b>OF MOTION FOR SUMMARY</b>
K-M INDUSTRIES HOLDING CO., INC, et al.	)	<b>JUDGMENT</b>
	)	
Defendants.	)	
	)	

Defendant North Star Trust Company (“North Star”) having submitted certain documents under seal in support of its motion for summary judgment pursuant to L. R. 79-5(d) and defendants K-M Industries Holding Co. Inc., K-M Industries Holding Co. Inc. ESOP Plan Committee, and CIG ESOP Plan Committee having submitted their Declaration of Terence F. Young Establishing that Information Designated by North Star Trust Company in Support of Its Motion for Summary Judgment is Sealable (the “Young Declaration”), requesting that certain of those documents remain sealed as confidential, the Court orders as follows:

1 Because the public interest favors filing all court documents in the public record, any party  
2 seeking to file a document under seal must demonstrate good cause to do so.<sup>1</sup> This cannot be  
3 established simply by showing that the document is subject to a protective order, but rather must be  
4 supported by a sworn declaration demonstrating with particularity the need to file each document  
5 under seal. See Local Rule 79-5(a). If good cause exists only to file portions of a particular  
6 document under seal, a redacted version of the document must be filed in the public record. Local  
7 Rule 79-5(c).

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9 In the Young Decl., the KMH defendants seek the following relief:

10 1. Redaction of portions of pages 202, line 3 and page 260, lines 2-3 of Exhibit 66 to  
11 North Star's Motion for Summary Judgment, the transcript of the deposition of John Hommel, taken  
12 in this action.

13 2. Redaction of the entirety of Exhibit 71 to North Star's Motion for Summary  
14 Judgment.

15 3. Redaction of the entirety of Exhibit 73 to North Star's Motion for Summary  
16 Judgment.

17 4. Redaction of portions of page 12 of the North Star Memorandum of Points and  
18 Authorities in support of its motion for summary judgment.  
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20 The KMH defendants have established that the information in these exhibits and the  
21 memorandum of points and authorities comprises sensitive financial and other confidential  
22 information, including information subject to the attorney-client privilege. They have demonstrated  
23 a compelling interest to justify filing such information under seal.  
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25 <sup>1</sup> A "compelling interest" standard applies to documents filed in support of or opposition to a  
26 dispositive motion. *Pintos v. Pac. Creditors Ass'n*, 504 F.3d 792, 801-03 (9th Cir. 2007).  
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1 Accordingly, the North Star motion for leave to file under seal is GRANTED in part. The  
2 clerk shall file:

3 1. Exhibit 66 to North Star's Motion for Summary Judgment with the portions of pages  
4 202, line 3 and page 260, lines 2-3, shown on Exhibit A to the Young Decl. redacted.

5 2. Exhibit 71 to North Star's Motion for Summary Judgment redacted in its entirety.

6 3. Exhibit 73 to North Star's Motion for Summary Judgment redacted in its entirety..

7 4. The North Star Memorandum of Points and Authorities in support of its motion for  
8 summary judgment with the portions of page 12, shown on Exhibit B to the Young Decl. redacted.  
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11 DATED: \_\_\_\_\_

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14 Honorable Claudia Wilken  
15 United States District Judge  
16 Northern District of California  
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